IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WP(C).No. 16435 of 2007(F)

PETITIONER:

M.V.MAHEESDHARAN
ADMINISTRATIVE ASSISTANT (RETD), DIRECTOR OF PANCHAYATS, THIRUVANANTHAPURAM, NOW RESIDING AT "ROHINI", KAVUMBHAGAM P.O. THIRUVALLA.

BY ADV. SRI.K.M.SATHYANATHA MENON
SRI.M.V.ANANDAN
SRI.A.SHANAVAS (KALLARA)

RESPONDENTS:
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1. HE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE DEPARTMENT OF LOCAL SELF GOVERNMENT, GOVT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTORATE OF PANCHAYATHS,
THIRUVANANTHAPURAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.16435 OF 2007-F

Judgment

The petitioner has already retired from service on 31.05.2005. His date of birth in the service book was 22.05.1950. He got the date of birth entered in his SSLC book corrected as 16.05.1951 on the strength of Ext.P3 order dated 11.02.1997. Thereafter, he moved for corresponding correction in the service book. But, the said motion was rejected by the Government by Ext.P7 order dated 20.04.2007. Now, this Writ Petition is filed, seeking the following reliefs :

> *"i. issue a writ of certiorari or any other appropriate writ, order or direction to call for the original of Ext.P7 and to quash the same as illegal.*
>
> *ii. issue a writ of mandamus or any other appropriate writ, order or direction, directing the 1st respondent to alter the date of birth of the petitioner in his service book as 16.5.1951 instead of 22.5.1950 and provide all service benefits including his promotion with retrospective effect, according to the corrected date of birth.*
>
> *iii. issue a writ of mandamus or any other appropriate writ, order or direction, directing the 1st respondent to grant pensionary benefits to the petitioner on the basis of the promotion post which he would have been as per the corrected date of birth."*

The petitioner attacks Ext.P7 on the ground that the Government have allowed the

applications of similarly placed persons, as evident from Ext.P8.

2. Going by the facts of the case, the petitioner's application was belated in view of the terms contained in GO(P) No.4591-P & ARD dated 30.12.1991, which is the order governing correction of date of birth in the service book. The fact that the Government have acted contrary to the said order in certain cases, is not a ground to direct the Government to act illegally again, for satisfying the requirement under Article 14 of the Constitution of India. The petitioner enjoyed the benefit of the date of birth originally entered in his school records, by getting admission in the school early and also getting preference in several matters. Thereafter, at the fag end of his career, he has moved for correction of the date of birth. Going by the principles laid down by the Apex Court in various decisions, the petitioner's claim cannot be considered. Further, his application stated to be filed on 03.01.1991, was not in conformity with the directions contained in the relevant Government Order. It was not accompanied by the corrected S.S.L.C. book. It was submitted before the Tahsildar, who is not competent to make any correction in the service records. Accordingly, the Writ Petition fails and it is dismissed.

30.05.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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